



Reprinted
February 24, 2009

HOUSE BILL No. 1075

DIGEST OF HB 1075 (Updated February 23, 2009 8:49 pm - DI 52)

Citations Affected: IC 13-18.

Synopsis: Confined feeding operation setbacks around state owned properties. Provides that after June 30, 2009, a person may not, within two miles of the boundary of a state park or reservoir operated by the department of natural resources: (1) apply manure; or (2) start construction of a confined feeding operation. Provides that the construction limitation does not apply to the expansion of a confined feeding operation or the expansion of an agricultural operation that will become a confined feeding operation as a result of the expansion.

Effective: July 1, 2009.

**Cheatham, Bischoff, Pflum,
Saunders**

January 7, 2009, read first time and referred to Committee on Agriculture and Rural Development.
February 17, 2009, amended, reported — Do Pass.
February 23, 2009, read second time, amended, ordered engrossed.

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HB 1075—LS 6460/DI 71+



First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1075

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-18-10-1.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. (a) As used in this section,**
4 **"state recreational property" means the following:**

5 (1) A state park that is:

6 (A) owned by the state; and

7 (B) operated, maintained, or managed by the department
8 of natural resources.

9 (2) A reservoir that is:

10 (1) owned or leased by the state or the United States Army
11 Corps of Engineers; and

12 (2) operated, maintained, or managed by the department
13 of natural resources.

14 (b) After June 30, 2009, a person may not:

15 (1) subject to subsection (c), start construction of a confined
16 feeding operation if any part of the confined feeding operation
17 or a manure treatment facility that is part of the confined

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1 feeding operation; or
2 (2) enter into an agreement for manure application if any part
3 of the manure application area;
4 is located within two (2) miles of a state recreational property
5 boundary.
6 (c) Subsection (b)(1) does not apply to the following:
7 (1) The expansion of a confined feeding operation.
8 (2) The expansion of an agricultural operation that will
9 become a confined feeding operation as a result of the
10 expansion.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1075, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "'park" has the meaning set forth in IC 14-14-1-5." and insert **"state recreational property" means the following:**

(1) A state park that is:

(A) owned by the state; and

(B) operated, maintained, or managed by the department of natural resources.

(2) A reservoir that is:

(1) owned or leased by the state or the United States Army Corps of Engineers; and

(2) operated, maintained, or managed by the department of natural resources."

Page 1, line 13, delete "park" and insert **"state recreational property"**.

and when so amended that said bill do pass.

(Reference is to HB 1075 as introduced.)

PFLUM, Chair

Committee Vote: yeas 7, nays 5.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1075 be amended to read as follows:

Page 1, line 15, after "(1)" insert **"subject to subsection (c),"**.

Page 1, line 17, after "operation;" insert **"or"**.

Page 2, delete lines 1 through 2.

Page 2, line 3, delete "(3)" and insert **"(2)"**.

Page 2, after line 6, begin a new paragraph and insert:

"(c) Subsection (b)(1) does not apply to the following:

(1) The expansion of a confined feeding operation.

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(2) The expansion of an agricultural operation that will become a confined feeding operation as a result of the expansion."

(Reference is to HB 1075 as printed February 18, 2009.)

CHEATHAM

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